

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Carmichael Arvell Glenn, #285206,) CIVIL ACTION NO. 3:11-0558-TLW-BM
)
Plaintiff,)
)
v.) REPORT AND RECOMMENDATION
)
West Columbia Police Department,)
Nicholas Williams, Robert McIntyre,)
and Sgt. W. A. Kleckley,)
)
Defendants.)
)

This action has been filed by the Plaintiff, pro se, pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. The Plaintiff has now filed a motion to dismiss his Complaint, without prejudice. The Defendants do not oppose Plaintiff's motion.

Pursuant to Rule 41(a)(2), Fed.R.Civ.P., an action may be dismissed at the Plaintiff's request on terms that the Court considers proper. Here, the Plaintiff seeks a dismissal of this case without prejudice, indicating in his motion that he may pursue the matter at a later date in state court, and the Defendants do not oppose a dismissal of the case without prejudice at this time.

Based on the foregoing, it is recommended that the Plaintiff's motion be **granted**, and that this case be **dismissed** without prejudice.

The parties are referred to the Notice Page attached hereto.



June 8, 2011
Charleston, South Carolina

Bristow Marchant
United States Magistrate Judge

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Court Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
Post Office Box 395
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).